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ABSTRACT

This document describes the various qualifications for students to be classified as in-state or out-of-state students, primarily for purposes of tuition and fee charges, in state colleges and universities in Kentucky. Briefly stated, a student over the age of 18 years old who resides in the state without benefit of support by his parent or guardian, or any student whose parent or guardian resides within state and supports the student may be classified as an in-state student. As of the fall term 1973, the combined undergraduate out-of-state enrollment in all of the state institutions is to be limited to 15 percent of the total enrollment with no more than 20 percent out-of-state enrollment at any individual institution. (HS)

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Commonwealth of Kentucky
COUNCIL ON PUBLIC HIGHER EDUCATION
Capital Plaza Office Tower
Frankfort
40601

POLICY ON OUT-OF-STATE ENROLLMENT

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Policy as Adopted August 9, 1972

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40601

GENERAL POLICY ON OUT-OF-STATE ENROLLMENT

I. The non-resident (out-of-state) undergraduate enrollment in the freshman classes at the state-supported institutions of higher education beginning with the Fall Term 1970 is limited to no more than twenty percent and that by the Fall Term 1973 the combined undergraduate non-resident (out-of-state) enrollment in all these institutions be limited to fifteen percent of the total enrollment with no more than twenty percent out-of-state enrollment at any individual institution.

II. A committee composed of the deans of admission at the state-supported senior institutions of higher education will be established by the Council on Public Higher Education as a state board of review for interpretative recommendations to the respective boards of regents and/or trustees on problems relating to non-residency (out-of-state) classification of students at the institutions with the understanding institutional representatives will not vote in the review of cases or problems referred to the Committee from their respective institutions.

POLICY ON CLASSIFICATION OF STUDENTS FOR FEE ASSESSMENT PURPOSES

AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION

SECTION 1. INTENT. It is the intent of the Council on Public Higher Education that the state institutions of higher education in the Commonwealth of Kentucky shall apply uniform interpretations, as described in this policy and not otherwise, in determining whether students shall be classified as in-state or out-of-state students for fee assessment purposes.

SECTION 2. DEFINITIONS. Wherever used in this policy

(1) The word "institution" shall mean a college, university or community college supported by appropriations made by the General Assembly of Kentucky.

(2) The word "residence" or "reside" shall denote continuous and physical presence within this state with the demonstrated intention of remaining permanently, provided that temporary absence for short periods of time shall not affect the establishment of a residence.

(3) The word "domicile" shall denote a person's true, fixed, and permanent home and place of habitation. It is the place where he intends to remain, and to which he expects to return when he leaves without intending to establish a new domicile elsewhere.

(4) The term "emancipated person" shall mean a person who has attained the age of 18 years, and whose parents: (a) have entirely surrendered the right to the care, custody, and earnings of such person; (b) who no longer are under any legal obligation to support or maintain such person; (c) who no longer, in fact, voluntarily contribute substantial financial assistance; and (d) whose parents' income is not taken into account by any private or governmental agency furnishing financial educational assistance to such person, including scholarships, loans, or other assistance. If any of the aforesaid tests are <u>not</u> met, said person shall be deemed an "unemancipated person."

(5) The word 'parent' shall mean a person's father or mother, or the parent having custody, or if there is a guardian or legal custodian of an unemancipated person, then such guardian or legal custodian, provided that such guardianship or custodianship was not created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.

(6) Attendance at a college or colleges in this state shall be deemed 'continuous' if the person claiming continuous attendance has been enrolled at a school or schools in this state as a full-time student, as such term is defined by the governing body of said school or schools, for a normal academic year in such calendar year, or the appropriate portion or portions of such years, since the beginning of the period for which continuous attendance is claimed. Such person need not attend summer sessions or other such intersession beyond the normal academic year in order to render his attendance 'continuous.'

(7) The word 'his' shall apply to the female as well as the male sex unless the context otherwise clearly requires.

SECTION 3. RULES FOR DETERMINATION OF STATUS.

(1) Every person having his domicile in Kentucky shall be entitled to classification as an in-state student for fee assessment purposes. Except as otherwise provided in this policy, no person having his domicile elsewhere than in this state shall be eligible for classification as an in-state student for fee assessment purposes.

(2) The domicile of an unemancipated person is that of his parent.

(3) Upon moving to this state, an emancipated person employed full-time who provides persuasive evidence of domicile may apply for in-state classification for his spouse provided the full-time employment is for a purpose other than that of assisting his spouse to attend an institution of higher education and, provided that said person is not himself in this state primarily as a full-time

student, his spouse and unemancipated children may at once be so classified, and may continue to be so classified so long as said person continues his domicile in this state.

(4) Any person who remainsin this state when his parent(s), having theretofore been domiciled in this state, removes from this state, shall be entitled to classification as an in-state student so long as his attendance at a college or colleges in this state shall be continuous.

(5) The spouse of any person who is classified as an in-state student shall likewise be entitled to classification as an in-state student.

(6) An unemancipated person whose parent is a member of the Armed Forces and stationed in this state pursuant to military orders shall be entitled to classification as an in-state student. The student, while in continuous attendance toward the degree for which he is currently enrolled, shall not lose his residence when his parent is thereafter transferred on military order.

(7) A person does not gain or lose in-state status by reason of his presence in any state or country while a member of the Armed Forces of the United States. However, a member of the Armed Forces of the United States, stationed in Kentucky on military orders, except members of the Armed Forces specifically assigned for educational purposes to state-supported institutions of higher education, shall be entitled to classification as an in-state student while on active duty in this state pursuant to such orders.

(8) An emancipated person who moves to the Commonwealth within six months from the date of discharge from the military service with the stated intent of becoming a resident of the Commonwealth shall be permitted to count such time spent in the military service toward meeting the presumptions outlined in Section IV (1).

SECTION 4. PRESUMPTIONS. It shall be presumed that:

(1) An emancipated person attempting to establish residence in his own right is presumed to have met the requirements for residency when he has maintained continuous residence in Kentucky in a non-student status for at least one academic year.

(2) No emancipated person shall be deemed to have gained residence while attending any educational institution (public or private) in this state as a full-time student, as such status is defined by the governing board of such institution, in the absence of a clear demonstration that he has established domicile in the state.

(3) Once established, a domicile is not lost by mere absence unaccompanied by intention to establish a new domicile.

(4) The notarized certification of the parent or legal guardian may be required to attest to the meeting of conditions required by Section 2(4) of this policy.

(5) In the event a person's parents should have separate domiciles, his domicile shall be that of the parent having legal custody. In the event neither parent has legal custody, his domicile shall be that of the parent furnishing him the greater financial assistance or the parent having the larger income if neither furnishes such greater assistance.

SECTION 5. APPEAL. Each institution shall establish a Non-Resident Fee Committee to consider changes in resident status based on the above criteria. Application for change of resident classification shall be made in writing to the Dean of Admissions or to the person who has been designated as the Chairman of the Non-Resident Fee Committee. The Chairman may present each case to the Committee for a final decision and the student will be notified in writing as to the disposition of his application.

In the event of an unsatisfactory ruling by the Non-Resident Fee Committee, the applicant for a change in residence status may request his case be submitted by his Dean of Admissions or the person designated by his institution to the Executive Director of the Council on Public Higher Education for referral to the State Board of Review for its recommendation to the Board of Regents or Board of Trustees for final action.

SECTION 6. USE OF RECORDS. A student whose admissions records show him to be a graduate of an out-of-state high school and his legal residence to be outside of Kentucky will normally be classified as a non-resident.

SECTION 7. ALIENS. Aliens lawfully admitted to the United States for permanent residence may establish Kentucky residence in the same manner as any other non-resident. An alien who possesses a student visa cannot be classified as a resident.

SECTION 8. EFFECTIVE DATE. This revision supersedes all previous policies of this Council relating to classification of students for fee assessment purposes as of this date.